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P&G Case 8043M

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In the Application of :
J. J. KESTER ET AL. :
Serial No.: 09/827,834 : Group Art Unit: 1617
Filed: April 6, 2001 : Examiner: K. Stiller
For: Compositions for Reducing :
Cholesterolemia and Controlling of :
Postprandial Blood Glucose and :
Insulin Levels :

RESPONSE UNDER 37 C.F.R. 1.111

Assistant Commissioner of Patents and Trademarks

Washington, D.C. 20231

Dear Sir:

This is in response to the Office Action dated December 7, 2001, which provides a 1 month period for response. As this response is being mailed on or before the due date of January 7, 2002, no fees are believed to be due.

REMARKS

Status

This application was filed on April 6, 2001 and claims priority to U.S. Provisional Application Number 60/196,410, filed April 12, 2000. The present Action sets forth a restriction requirement (setting forth 3 allegedly distinct inventions) and an election of species requirement.

Restriction Requirement

The Examiner asserts that the following three (3) distinct inventions are claimed:

Group I: Claims 1-16, 23, 27 and 28, drawn to compositions/foods.

Group II: Claims 17-22, drawn to methods of reducing blood cholesterol or controlling postprandial blood glucose and insulin levels in a patient.

Group III: Claims 23-26, drawn to dough compositions.

Applicants elect to prosecute the subject matter of Group I (directed to compositions or foods). However, Applicants traverse the restriction requirement for the following reasons.